

**MINUTES of the ST. CHARLES CITY COUNCIL
For Tuesday, October 13, 2015 held at 6:00 p.m. at
830 Whitewater Avenue
St. Charles, Minnesota**

MEMBERS PRESENT:

Councilmen:
David Kramer
Dave Braun
Orv Dahl
Wayne Getz
Mayor John Schaber

STAFF PRESENT:

Ken Frank (Police Chief), Kyle Karger (Public Works Supt.), Kristine Engstrand (City Accountant) and Nick Koverman (City Administrator).

OTHERS IN ATTENDANCE: Judy and Gene Kruempel, and Craig Hilmer (St. Charles Press).

1. ESTABLISH QUOROM/CALL TO ORDER

Quorum was established with Mayor Schaber calling the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL of the AGENDA: Addition 16). 2016 Housing Incentive.

Motion to approve: **Dave Braun**
No discussion.
Motion carried.

4. MEETING MINUTES

-September 8, 2015
Motion to approve: **Orv Dahl**
No further discussion.
Motion carried.

-September 22, 2015
Motion to approve: **David Kramer**
No further discussion.
Motion carried.

5. APPROVAL of OCTOBER PAYABLES

Motion to approve: **Orv Dahl**
No further discussion.
Motion carried.

6. Notices and Communications. None.

7. Reports of Boards and Communications. Various reports were given.

8. Public Hearing-Alley Vacation 14th & Bluff.

A motion to open the public hearing at 6:15 p.m.: **Wayne Getz**
No further discussion.
Motion carried.

Mayor Schaber invited anyone to speak on the proposed vacation, but allowed Admin. Koverman to review the reasoning and process for the proposed vacation. He outlined the work that Supt. Karger had done to work with homeowners as each homeowner will grant a utility easement in place of the alley. The vacation of the 20 foot alley will divide the property between the four property owners. An additional 10 foot utility easement from the property owner at 1437 Bluff Avenue will also be recorded as utilities would still be located on her private property. Two licensing agreements for fences will also be issued to the property owners as there is one existing fence and the other owner wishes to put you on her property. No further questions were asked. Judy Kruempel owner at 454 East 14th Street expressed that she and her husband Gene were in favor of the vacation. Mayor Schaber called for additional comment once, twice, three times. Hearing none he called for a motion at 6:20 p.m.

Motion to close the public hearing at 6:20 p.m.: **David Kramer**

No further discussion.

Motion carried.

9. Ordinance #580 Vacating Public Alley (1st Reading). A motion to approve the first reading of Ordinance #580 Vacating the Alley was made.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

10. Fort Culvert Discussion. Mayor Schaber relayed to the Council that he had further conversation with Mr. Fort who indicated that he was in favor of the improvements proposed by the Council as it related to the removal of the small culvert at the south end of his property, the grading of the roadway, the installation of a 6-inch drainage pipe, and the cutting in of a ditch along the west side of the cartway. He also relayed that he would be in favor of the vacation of the cartway if the City agreed to plow and sand the cartway. Mayor Schaber expressed that he relayed an offer of 3-5 years, but that he did not anticipate the Council being in favor of maintaining the cartway forever. He also expressed that Mr. Fort wanted an additional 2 weeks to contact Council members to further discuss the matter. Clm. Dahl expressed that he would be in favor of not going ahead with the vacation until next spring to ascertain whether or not the proposed solution was effective. The Council agreed as a whole that from a functional standpoint the cartway serves as a private drive. Clm. Getz agreed with Clm. Dahl that he would support maintaining it this winter to allow proper time for transition and vacation, but that going out several years, he would not support. The Council discussed how long a vacation proceeding typically takes and it was relayed that similar to what steps the Council was taking, it could be as short as two readings and taking effect 30 days after publication. Mayor Schaber relayed that he had also spoken with the proposed contractor and that he could not entertain addressing the job until late October, early November. The Council then discussed the scenario of what happens if no resolution is achieved and the Council entertains vacating the property. Discussion was held what the law suit might look like. Admin. Koverman expressed that he would follow up with city attorney, Chris Hood. The council then discussed the attorney's recommendation to have an agreement that if the city performs the work that the property owner will allow access to his property and agree to vacate. A motion was made to approve the city conducting the work described and that the city would sand/salt/plow this winter and the city would vacate in the spring. All Councilmen agreed with the motion.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

11. Social Host Ordinance. Pastor Heather Klason, president of the Whitewater Coalition Task Force, introduced information to the Council on social host ordinance. Along with Police Chief Ken Frank, the two discussed what a social host ordinance is and what it is not. Clm. Braun provided a scenario and questioned how the ordinance would work. Chief Frank expressed that it must be proven that the owner "knowingly or with intent" provided alcohol even if it is a minor. The two explained that the ordinance tightens a loophole and would help to aid law enforcement and keep the youth safe. Chief Frank expressed that the primary target for an ordinance of this nature are 22-25 year olds who provide alcohol to minors. Clm. Braun asked how the group was looking to further educate the community about the effects of alcoholism, or if the ordinance was adopted, the purpose of the ordinance. The two responded that social media will be a key component. According to Pastor Klason, one hundred communities have adopted a similar ordinance with Winona adopting one in 2012. After no further discussion, Clm. Kramer motioned to proceed with drafting an ordinance for St. Charles.

Motion to approve: **David Kramer**

No further discussion.

Motion carried.

12. Resolution #29-2015 Accepting a Donation Ruth A. Jacobs. Mayor Schaber expressed his gratitude for the donation, which Admin. Koverman expressed was slated for general use (City Park). A motion was made to approve the resolution.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

13. 2016 Preliminary Enterprise Budgets. City Accountant Kristine Engstrand reviewed a memo presented to the Council and the highlighted changes for the budget in 2016. No questions were asked at this time. Admin. Koverman relayed that Mike Bubany from David Drown & Associates would be present at the next meeting to help answer any questions.

14. GASB 67/68 Pension Engagement Letter. Admin. Koverman reviewed information related to new requirements of Government Accounting Standards Board related to Fire Reliefs and pensions. With help from Tom Wente of Smith Schafer & Associates, Koverman contacted the four known firms for estimates for the service. The presented firm and engagement letter was the least expensive, but also works directly with the League of Minnesota Cities. It was recommended to move forward with

the firm of VanIwaarden Associates for \$2,900 fee and \$1,200 off year fee. A motion to approve the engagement letter with Van Iwaarden Associates was made.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

15. Resolution #30-2015 Authorizing Participation in PERA. Mayor Schaber explained the purpose of the resolution to the Council for new officers. A motion to approve the resolution as presented was made.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

16. 2016 Housing Incentive. Admin. Koverman and Mayor Schaber explained the purpose of the housing incentive and relayed that the Dover Eyota St. Charles Area Sanitary District approved waving their fee of \$2,640 for the 2016 construction year. The request from the EDA would utilize Rochester Sales Tax dollars to reimburse building/planning fees and related fees mechanical, plumbing, etc. from those funds. The city's water and sewer charge of \$1,500 would also be waived as it was for 2014-2015, but would not be reimbursed by Rochester Sales Tax dollars. A motion to approve the incentive package was made.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

UNSCHEDULED PUBLIC APPEARANCES

-Dan White at 730 Whitewater Avenue relayed to the Council that he felt Gladiolus Days went well and that the Rolling Hills Transit service continues to be a valuable service to the community.

Motion to adjourn at 6:12 p.m.

Motion to approve: **Wayne Getz**

Motion declared carried.

John Schaber, Mayor

Attest: _____

Nick Koverman, City Administrator